

SERVED: January 21, 2005

NTSB Order No. EA-5134

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD
at its office in Washington, D.C.
on the 19th day of January, 2005

_____)	
MARION C. BLAKEY,)	
Administrator,)	
Federal Aviation Administration,)	
)	
Complainant,)	
)	Docket SE-16809
v.)	
)	
CASINO AIRLINES, INC.,)	
)	
Respondent.)	
_____)	

ORDER DISMISSING PETITION FOR RECONSIDERATION

On consideration of the respondent's second petition for reconsideration of Board Order No. EA-5091 (served May 27, 2004) and the Administrator's response in opposition, we have concluded that the petition does not present any matter warranting a departure from our rule, which in effect prohibits redundant petitions for reconsideration.¹

¹Contrary to respondent's contentions, we do not agree that Administrator v. Ocampo, NTSB Order No. EA-5113 (2004), is on all fours with this case. As the Administrator points out, the facts in Ocampo differ significantly in that the respondent in that case provided a timely response in opposition to the Administrator's motion to deem the facts admitted. (We recognize that every notice of appeal that could be interpreted as contesting the factual basis for the Administrator's charges may not initially be recognized by our law judges or their staff as a combined appeal and answer. However, any uncertainty regarding such documents will be resolved by evaluating whether and how the respondent replies to the Administrator's motion to deem the facts admitted.)

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ACCORDINGLY, IT IS ORDERED THAT:

Respondent's petition for reconsideration is dismissed.²

ENGLEMAN CONNERS, Chairman, ROSENKER, Vice Chairman, and CARMODY, HEALING, and HERSMAN, Members of the Board, concurred in the above order.

²Section 821.50(d) of the Board's Rules of Practice provides that repetitious petitions for reconsideration "will not be entertained by the Board and will be summarily dismissed."